



Security Industry Amendment Regulation 2003

under the

Security Industry Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Security Industry Act 1997*.

MICHAEL COSTA, M.L.C.,

Minister for Police

Explanatory note

The object of this Regulation is to amend the *Security Industry Regulation 1998* to provide as follows:

- (a) that apprentices or trainees who are carrying on security activities of a type for which a class 1 licence is granted (for example, patrolling, guarding, watching or protecting property, bodyguarding, crowd controlling or bouncing) are exempt from the operation of the *Security Industry Act 1997* (*the Principal Act*) only to the extent that they are directly supervised by the holder of an appropriate licence under the Principal Act,
- (b) that an applicant for a licence under the Principal Act must disclose in his or her application the applicant's place of birth and, if that place is not within Australia, the period of the applicant's residence in Australia,
- (c) that certain specified offences under the Principal Act and the *Security Industry Regulation 1998* are offences for which a penalty notice may be served and to prescribe the amount of penalty in relation to each of those offences if the offence is to be dealt with by way of penalty notice.

This Regulation also increases the application fees for licences under the Principal Act.

This Regulation is made under the *Security Industry Act 1997*, including sections 6, 14, 45A (as inserted by the *Security Industry Amendment Act 2002*) and 48 (the general regulation-making power).

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Clause 1 Security Industry Amendment Regulation 2003

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under the

Security Industry Act 1997

1 Name of Regulation

This Regulation is the *Security Industry Amendment Regulation 2003*.

2 Amendment of Security Industry Regulation 1998

The *Security Industry Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 5 Exemptions: section 6

Omit clause 5 (e). Insert instead:

- (e) apprentices or trainees (within the meaning of the *Apprenticeship and Traineeship Act 2001*) while carrying on security activities in the course of their apprenticeship or training with a person who is the holder of a licence authorising that person to carry on those security activities, but:
 - (i) not if the apprentice or trainee concerned would be refused a licence because of section 16 of the Act, and
 - (ii) in relation to an apprentice or trainee carrying on security activities of a type for which a class 1 licence is granted, only while the apprentice or trainee is directly supervised by a holder of a licence authorising the holder to carry on those security activities.

[2] Clause 7 Licence application fees: section 14

Omit "\$85" from clause 7 (1) (a). Insert instead "\$110".

[3] Clause 7 (1) (b)

Omit "\$115". Insert instead "\$145".

[4] Clause 7 (2) (a)

Omit "\$350". Insert instead "\$440".

[5] Clause 7 (2) (b)

Omit "\$380". Insert instead "\$480".

[6] Clause 7 (3) (a)

Omit "\$300". Insert instead "\$375".

[7] Clause 7 (3) (b)

Omit "\$550". Insert instead "\$695".

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Schedule 1 Amendments

[8] Clause 7 (3) (c)

Omit "\$1,050". Insert instead "\$1,325".

[9] Clause 7 (3) (d)

Omit "\$2,050". Insert instead "\$2,585".

[10] Clause 8 Information and particulars to accompany licence application: section 14

Insert "and place" after "date" in clause 8 (1) (b).

[11] Clause 8 (1) (b1)

Insert after clause 8 (1) (b):

- (b1) if the applicant's place of birth is not in Australia—the applicant's period of residence in Australia,

[12] Clause 8 (2) (b)

Insert "and place" after "date".

[13] Clause 8 (2) (b1)

Insert after clause 8 (2) (b):

- (b1) if the applicant is an individual and the applicant's place of birth is not in Australia—the applicant's period of residence in Australia,

[14] Clause 35 and Schedule 1

Insert after clause 34:

35 Penalty notice offences and penalties

- (1) For the purposes of section 45A of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

Schedule 1 Penalty notice offences

(Clause 35)

Column 1	Column 2
Provision	Penalty (\$)
Offences under the Act	
Section 7—where the offence is committed by a corporation	2,750
Section 7—where the offence is committed by an individual	550
Section 30	440
Section 31	220
Section 32 (1)—where the offence is committed by a corporation	440
Section 32 (1)—where the offence is committed by an individual	220
Section 32 (2)—where the offence is committed by a corporation	440
Section 32 (2)—where the offence is committed by an individual	220
Section 33 (1)	550
Section 33 (2)	550
Section 34	440

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Schedule 1 Amendments

Column 1	Column 2
Provision	Penalty (\$)
Section 35	220
Section 36	440
Section 38	550
Section 39	1,100
Offences under this Regulation	
Clause 15—where the offence is committed by a corporation	220
Clause 15—where the offence is committed by an individual	55
Clause 27 (2)—where the offence is committed by a corporation	1,100
Clause 27 (2)—where the offence is committed by an individual	220
Clause 28 (3)—where the offence is committed by a corporation	275
Clause 28 (3)—where the offence is committed by an individual	55

BY AUTHORITY